United Nations S/2005/207

Security Council

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Draft resolution

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo, in particular resolution 1565 of 1 October 2004, and the statement of 2 March 2005 (S/PRST/2005/10),

Reaffirming its commitment to respect the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as of all States in the region, and its support for the process of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 December 2002, and calling on all the Congolese parties to honour their commitments in this regard, in particular so that free, fair and peaceful elections can take place,

Reiterating its serious concern regarding the continuation of hostilities by armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and in the Ituri district, and by the grave violations of human rights and of international humanitarian law that accompany them, *calling on* the Government of National Unity and Transition to bring the perpetrators to justice without delay, and *recognizing* that the continuing presence of ex-Forces armées rwandaises and Interahamwe elements remains a threat for the local civilian population and an impediment to good-neighbourly relations between the Democratic Republic of the Congo and Rwanda,

Welcoming in this regard the African Union's support for efforts to further peace in the eastern part of the Democratic Republic of the Congo, and *calling on* the African Union to work closely with MONUC in defining its role in the region,

Recalling its condemnation of the attack by one of these militias against members of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), on 25 February 2005, and *welcoming* the first steps taken to date to bring them to justice, in particular the arrests of militia leaders suspected of bearing responsibility for human rights abuses,

Reiterating its call on the Congolese parties, when selecting individuals for key posts in the Government of National Unity and Transition, including the Armed Forces and National Police, to take into account the record and commitment of those individuals with regard to respect for international humanitarian law and human rights,

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Recalling that all the parties bear responsibility for ensuring security with respect to civilian populations, in particular women, children and other vulnerable persons, and *expressing concern* at the continuing levels of sexual violence,

Reaffirming its full support for MONUC and for its personnel, who operate in particularly hazardous conditions, and *welcoming* the robust action it is undertaking in pursuit of its mandate,

Recalling the link between the illicit exploitation and trade of natural resources in certain regions and the fuelling of armed conflicts, *condemning categorically* the illegal exploitation of natural resources and other sources of wealth of the Democratic Republic of the Congo, and *urging* all States, especially those in the region including the Democratic Republic of the Congo itself, to take appropriate steps in order to end these illegal activities,

Bearing in mind the third special report of the Secretary-General on MONUC dated 7 August 2004 (S/2004/650), and its recommendations, and *aware* of the importance of keeping under review the situation in the Katanga and Kasai provinces,

Taking note of the seventeenth report of the Secretary-General on MONUC dated 21 March 2005 (S/2005/167), and *looking forward* to the special report on the electoral process announced by the Secretary-General in paragraph 54 of his seventeenth report,

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of MONUC, as contained in resolution 1565, until 1 October 2005, with the intention to renew it for further periods;

2. *Reaffirms its demand* that all parties cooperate fully with the operations of MONUC and that they ensure the safety of, as well as unhindered and immediate access for, United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, and in particular that all parties provide full access to MONUC military observers, including to all ports, airports, airfields, military bases and border crossings, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

3. Urges the Government of National Unity and Transition to do its utmost to ensure the security of civilians, including humanitarian personnel, by effectively extending State authority throughout the territory of the Democratic Republic of the Congo and in particular in North and South Kivu and in Ituri;

4. Calls on the Government of National Unity and Transition to carry out reform of the security sector, through the expeditious integration of the Armed Forces and of the National Police of the Democratic Republic of the Congo and in particular by ensuring adequate payment and logistical support for their personnel, and *stresses the need* in this regard to implement without delay the national disarmament, demobilization and reinsertion programme for Congolese combatants;

5. *Further calls on* the Government of National Unity and Transition to develop with MONUC a joint concept of operations for the disarmament of foreign

combatants by the Armed Forces of the Democratic Republic of the Congo, with the assistance of MONUC, within its mandate and capabilities;

6. *Calls on* the donor community, as a matter of urgency, to continue to engage firmly in the provision of assistance needed for the integration, training and equipping of the Armed Forces and of the National Police of the Democratic Republic of the Congo, and *urges* the Government of National Unity and Transition to promote all possible means to facilitate and expedite cooperation to this end;

7. *Emphasizing* that MONUC is authorized to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to deter any attempt at the use of force to threaten the political process and to ensure the protection of civilians under imminent threat of physical violence, from any armed group, foreign or Congolese, in particular the ex-FAR and Interahamwe, *encourages* MONUC in this regard to continue to make full use of its mandate under resolution 1565 in the eastern part of the Democratic Republic of the Congo, and *stresses* that, in accordance with its mandate, MONUC may use cordon and search tactics to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in those areas;

8. *Calls on* all the parties to the Transition in the Democratic Republic of the Congo to make concrete progress towards the holding of elections, as provided for by the Global and All-Inclusive Agreement, in particular in furthering the early adoption of the constitution and of the electoral law, as well as the registration of voters;

9. *Demands* that the Governments of Uganda, Rwanda, as well as the Democratic Republic of the Congo put a stop to the use of their respective territories in support of violations of the arms embargo imposed by resolution 1493 of 28 July 2003 or of activities of armed groups operating in the region;

10. *Further urges* all States neighbouring the Democratic Republic of the Congo to impede any kind of support to the illegal exploitation of Congolese natural resources, particularly by preventing the flow of such resources through their respective territories;

11. *Reaffirms its concern* regarding acts of sexual exploitation and abuse committed by United Nations personnel against the local population, and *requests* the Secretary-General to ensure compliance with the zero tolerance policy he has defined and with the measures put in place to prevent and investigate all forms of misconduct, discipline those found responsible and provide support to the victims, and to pursue active training and awareness-raising of all MONUC personnel, and *further requests* the Secretary-General to keep the Council regularly informed of the measures implemented and their effectiveness;

12. *Urges* troop-contributing countries carefully to review the Secretary-General's letter of 24 March 2005 (A/59/710) and to take appropriate action to prevent sexual exploitation and abuse by their personnel in MONUC, including the conduct of pre-deployment awareness-training, and to take disciplinary action and other action to ensure full accountability in cases of such misconduct involving their personnel;

13. *Decides* to remain actively seized of the matter.